

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOODROW REED HULL,

Defendant.

Case No. 3:05-cr-00067-RRB

ORDER

Woodrow Reed Hull, a self-represented prisoner, has filed a petition for post-conviction relief under 28 U.S.C. § 2255.¹ Mr. Hull, however, has appealed the judgment of conviction in this case to the Court of Appeals for the Ninth Circuit.² Although the Ninth Circuit has entered a final judgment against Mr. Hull's former attorney, Mark A. Rosenbaum, for failure to prosecute, the case is still on direct appeal with the Ninth Circuit, and Mr. Hull now has new counsel.³

¹ See Docket No. 51.

² See Docket No. 36.

³ See Docket Nos. 41-50.

This Court may not hear Mr. Hull's case while it is on appeal. The Ninth Circuit has instructed that the "district court should not entertain a habeas corpus petition while there is an appeal pending in this court or in the Supreme Court."⁴ To do otherwise, "would eviscerate our goal of judicial economy by engaging the attention of two courts on the same case at the same time."⁵

Therefore, IT IS HEREBY ORDERED:

Mr. Hull's motion at docket number 51 is DENIED, and this action is DISMISSED without prejudice.

DATED this 17th day of October, 2007, at Anchorage, Alaska.

/s/RALPH R. BEISTLINE
United States District Judge

⁴ *United States v. Pirro*, 104 F.3d 297, 299 (9th Cir. 1997), quoting *United States v. Deeb*, 944 F.2d 545, 548 (9th Cir. 1991), cert. denied, 503 U.S. 975 (1992), and *Feldman v. Henman*, 815 F.2d 1318, 1320 (9th Cir.1987).

⁵ *Id.*